

### **REMARKS**

The present communication responds to the non-final Office action of July 30, 2008 in which the Examiner rejected claims 1-22. Claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,875,205 ("Leinsing") or U.S. Patent 6,558,365 ("Zinger"). Claims 2-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Leinsing in view of U.S. Patent 6,575,955 ("Azzolini") or U.S. Patent 5,445,631 (Uchida). Claims 2-22 were also rejected under 35 U.S.C. § 103(a) as unpatentable over Zinger in view of Azzolini or Uchida.

By this response, independent claims 1 and 16 and dependent claims 3 and 19 have been amended for clarity.

The rejections are traversed in view of the amendments and for at least the reasons articulated below. Reconsideration is requested.

#### **Rejections under 35 U.S.C. § 102(e)**

##### **Leinsing**

Claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by Leinsing. Applicant traverses this rejection, observing that the effective date of Leinsing is February 2, 2002.

Applicant filed the present application in the U.S. on February, 19, 2004. However, it is a continuation of International Application No. PCT/CH02/00408, filed on July 22, 2002, which claims priority to Swiss Application No. 1543/01, filed on August 21, 2001, which precedes the effective date of Leinsing.

Applicant requests, therefore, that the rejection of claim 1 under § 102(e) as anticipated by Leinsing be withdrawn.

##### **Zinger**

Claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by Zinger.

Claim 1 is directed to a fixing device for connecting injection needles to an injection apparatus, e.g., to a thread associated with of an injection apparatus, wherein the fixing device is

formed as a cap comprising an open end and a closed end which holds a needle perpendicularly in the middle, and a surface of the fixing device is at least slightly spring-elastic and comprises at least three cams for perpendicularly engaging with the thread when the cap is pushed onto the injection device, wherein each cam comprises at least one notch having a surface parallel to the surface of the fixing device.

Zinger discloses a fluid transfer and mixing device with first and second adapters 18, 30 designed to precisely snap onto and securely grip first and second containers. (*Zinger*, col. 3, lines 10-12). The first adapter is threadably connected to the second adapter. (*Zinger*, col. 4, lines 33-34, and *FIGS. 2 and 3*). The “skirt portion 26 of the adapter 18 [that] is provided with a plurality of circumferentially spaced slits 26a that permit the skirt to securely snap over upper portion 14b of container 14.” (*Zinger*, col. 4, lines 29-32, and *FIG. 5*).

In clear contrast to the present invention as recited in claim 1, Zinger does not disclose or suggest a cap with cams perpendicularly engaging a thread of an injection apparatus when said cap is pushed onto the apparatus, wherein each cam comprises at least one notch.

For at least the preceding reasons, reconsideration and withdrawal of the § 102(e) rejection are requested.

Rejections under 35 U.S.C. § 103(a)

Leinsing in view of Azzolini or Uchida

Claims 2-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Leinsing in view of Azzolini or Uchida.

This rejection is traversed because, as discussed above, the effective date of Leinsing is February 2, 2002 and it can not be the basis for a rejection. Applicant requests, therefore, that the rejection of claims 2-22 under § 103(a) over Leinsing in view of Azzolini or Uchida be withdrawn.

Zinger et al. in view of Azzolini or Uchida

Claims 2-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Zinger in view of Azzolini.

Initially, it is noted that claim 16 is independent and claims 17-22, and new claim 23, depend from claim 16.

The disclosure deficiency of Zinger is discussed above with respect to claim 1, and claims 2-15 depend directly or indirectly from claim 1 and are allowable for at least the same reasons. Further, Azzolini fails to remedy the disclosure deficiencies of Zinger.

Azzolini discloses a “high-sterility and high-capacity connector or lines for outflow from bottles . . . [the connector] is absolutely not reusable after its first use.” (*Azzolini, col. 1, lines 56-64*). More particularly, Azzolini discloses a connector including posts 11 with hook shaped beaks 13. (*Azzolini, col. 1, lines 43-44, and FIG. 3*). Azzolini specifies that “teeth 17 thus enter, with an interlocking action, the cavities 18, preventing any possibility of axial translational motion of the connector 1 with respect to the bottle 2.” (*Azzolini, col. 3, lines 51-53*). Furthermore, the teeth 17 and the corresponding seats 18 of Azzolini et al. “are slightly splayed so as to make it even more difficult for the teeth to exit from the seats and thus render the coupling between the connector 1 and the bottle 2 irreversible and tamper-resistant.” (*Azzolini, col. 3, lines 54-59*).

Uchida also fails to remedy the disclosure deficiencies of Zinger.

Uchida discloses a fluid delivery system including a fluid container 1, a vial 2, a sliding member 3 having a double-pointed cannula and a cylindrical or pipe-like capsule. The capsule includes an upper slide section 43 and a lower slide section 44. The upper slide section 43 has sliding member 3, slidably disposed and a solution container 1 that is slidably inserted. The lower, vial mount section 44 is detachable and fixedly connected to vial 2. (*Uchida, col. 4, lines 1-12*). Uchida discloses that “vial 2 is provided with a male thread portion 23 around inlet opening 21 and the vial mount section 44 is provided with a female thread portion 46 for a threaded connection. (*Uchida, col. 4, lines 53-65*). There are threads on both the vial 2 and the vial mount section 44.

Clearly, none of the asserted combination or the references making it up disclose or suggest a connecting device and the notched cam as recited in the pending claims, including as recited in independent claim 16 and its respective dependent claims, claims 17-22, and in new claim 23. The Examiner agrees, stating that "[t]he cited patents do not disclose enhancements comprising of cams having at least two tips or cams having at least three point of contact which are not in the same plane." (*Office Action, page 3, last paragraph*). Thus, it is unclear how the applied combinations of Zinger and Azzolini or Uchida disclose or suggest the present invention. As discussed above, Zinger does not disclose the limitations recited in claim 1 (or those of claim 16).

Applicant requests, therefore, that the rejection of claims under § 103(a) over Zinger in view of Azzolini or Uchida be withdrawn.

Conclusion

It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

The application now stands in allowable form, and reconsideration and allowance are respectfully requested.

Respectfully submitted,

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